

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF, the specification of which

_____ is attached hereto.

X was filed on September 6, 2000 (Attorney Docket No. DIVER1350-2) as U.S. Application Serial No. _____ and was amended on _____ if applicable (the "Application").

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT

International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

08/907,166
(Application Serial No.)

August 6, 1997
(Filing Date)

Issued: September 7, 1999 as
(U.S. Patent No. 5,948,666)

09/391,340
(Application Serial No.)

September 7, 1999
(Filing Date)

Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Walter Callen**

Inventor's signature: _____

Date: _____

Residence: 4379 Tecumseh Way; San Diego, CA 92117

Citizenship: United States

Post Office Address: 4379 Tecumseh Way

San Diego, CA 92117

Full name of second inventor: **Eric J. Mathur**

Inventor's signature: _____

Date: _____

Residence: 2654 Galicia Way; Carlsbad, CA 92009

Citizenship: United States

Post Office Address: 2654 Galicia Way

Carlsbad, CA 92009

[illegible]

In re Application of:)
)
Callen and Mathur)
)
Application No.: 09/656,309)
)
Filed: September 6, 2000)
)
For: ENZYMES HAVING HIGH)
TEMPERATURE POLYMERASE)
ACTIVITY AND METHODS OF USE)
THEREOF)

POWER OF ATTORNEY BY ASSIGNEE

As a below-named assignee of the above-identified application ("Application"):

I hereby appoint the following attorneys of the assignee to prosecute the Application and to transact all business in the United States Patent and Trademark Office connected therewith:

TIM ELLIS
LISA A. HAILE
WILLIAM N. HULSEY, III
RICHARD J. IMBRA
SHEILA R. KIRSCHENBAUM
JUNE M. LEARN
TIMOTHY W. LOHSE
TERRANCE A. MEADOR
JOHN OSKOREP
STEVEN R. SPRINKLE
DAVID R. STEVENS
BARRY N. YOUNG

Registration No. 41,734
Registration No. 38,347
Registration No. 33,402
Registration No. 37,643
Registration No. 44,835
Registration No. 31,238
Registration No. 35,255
Registration No. 30,298
Registration No. 41,234
Registration No. 40,825
Registration No. 38,626
Registration No. 27,774

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PATENT
Attorney Docket No.: DIVER1350-2

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Application when officially known.


Direct all telephone calls to:

LISA A. HAILE, Ph.D.
Telephone: (858) 677-1456
Facsimile : (858) 677-1465

Address all correspondence to:

LISA A. HAILE, Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121
email: lhaile@graycary.com

DIVERSA CORPORATION

By: 
Name: CAROLYN ERICKSON
Title: VICE PRESIDENT, INTELLECTUAL PROPERTY
Date: 3/14/01